

## REMARKS

Thorough examination of the application is sincerely appreciated.

Applicant wishes to thank the examiner for indicating that claims 1 – 11 and 13 – 22 are allowed.

According to the Office Action, claim 12 was rejected under 35 USC 101. In response, to conclude the prosecution of the application Applicant amends claim 12 without conceding any statements or waiving any arguments in the Final Office Action. Support for the limitation is found, for example, in Figure 1 and page 6, line 33 through page 7, line 5. Withdrawal of the rejection is respectfully requested.

If the examiner still disagrees and maintains the rejection of claim 12 under 35 USC 101, he is respectfully requested to review the following cases for clarification: *In re Warmerdam*, 33 F.3d 1354 (Fed. Cir. 1994), *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994), *In re Beauregard*, 53 F.3d 1583 (Fed. Cir. 1995), and the USPTO Guidelines on the statutory subject matter under 35 USC 101. In addition, the examiner is particularly requested to examine *Ex parte Petrus A.C.M. Nuijten*, Appeal No. 2003-0853, decided January 24, 2006, in which the claim directed to "a storage medium having stored thereon a signal" was found to be allowable by the Board of Patent Appeals and Interferences.

It is believed that the case is ready to be passed to allowance, and an early notice thereof is earnestly solicited.

An earnest effort has been made to be fully responsive to the Examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited. However, if for any reason this application is not considered to be in

condition for allowance, the Examiner is respectfully requested to call the undersigned attorney at the number listed below prior to issuing a further Action.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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